

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

EDNA SUE WILSON JOHNSON, ET AL

CIVIL ACTION NO. 08-0153

VS.

JUDGE DOHERTY

UNION PACIFIC RAILROAD CO. ET AL

MAGISTRATE JUDGE METHVIN

MEMORANDUM RULING ON MOTION TO REMAND
Rec. Doc. 23

Before the court is the unopposed Motion to Remand filed by plaintiffs.¹

This case was removed by the original defendants on the basis of diversity jurisdiction. After the case was removed, plaintiffs obtained leave of court to add two non-diverse defendants, the Succession of Howard Spears and the City of Oakdale, Louisiana.²

Remand is required if, after removal, the plaintiff joins additional defendants whose joinder destroys subject matter jurisdiction. *See* 28 U.S.C. § 1447(e) (“If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.”); Cobb v. Delta Exports, Inc., 186 F.3d 675, 677 (5th Cir.1999) (“post-removal joinder of non-diverse defendants ... destroys diversity for jurisdictional purposes and requires remand, even when the newly joined defendants are not indispensable”).

¹ Local Rule 7.5W requires that written opposition to a motion be filed within 15 days after service of the motion. That deadline has passed and defendants have not filed an opposition.

² Rec. Doc. 21.

For the foregoing reasons, remand is proper. An order of remand will be entered, with a provision that the order is stayed for fifteen days to allow time for appeal, if any.

Signed at Lafayette, Louisiana, on July 22, 2008.

A handwritten signature in black ink, appearing to read 'M. Methvin', is written over a horizontal line.

Mildred E. Methvin
United States Magistrate Judge
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